

REMARKS

Claim Rejection – 35 U.S.C. § 112

Claims 29-32 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Applicant has amended claims 29 and 30. In light of these amendments, the Applicant respectfully requests that the rejections of claims 29-32 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim Rejection – 35 U.S.C. § 101

Claims 19-24 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

The Applicant has amended claims 19-24 to recite a “computer-readable storage device” and, therefore, respectfully requests that the rejection of claims 19-24 under 35 U.S.C. 101 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-15, 19-23, 25-27, and 29-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nowitz et al (U.S. Patent 7,308,464) (“Nowitz”) in view of Tran et al. (U.S. Patent Publication 2005/0015513) (“Tran”).

Independent Claims 1, 19, 25, 29

No proper combination of Nowitz and Tran discloses or renders obvious at least “analyzing the first set of content files for errors by emulating a first category of wireless devices” as recited by each of independent claims 1, 19, 25, and 29. As the Examiner correctly pointed out “Nowitz et al does not explicitly state analyzing the first set of content files for errors by emulating a first category of devices...” (Office Action, p. 6). Instead, the Examiner relies on Tran to teach this feature.

Tran does not disclose “analyzing the first set of content files for errors by emulating a first category of wireless devices” as recited by claim 1. Instead, Tran teaches receiving information about the device and compares that information to filter criteria to select appropriate delivery content. In this regard, Tran states:

Accordingly, various embodiments of the present invention disclose a method and system for the storage and retrieval of extensible, multi-dimensional display property configurations that are used to deliver content to a variety of contextual environments. As a result, delivery of web content is easily configurable to support numerous contextual environments, including a wireless mobile access environment. (Tran, [0038])

Reading settings, creating filter criteria from the settings, matching the criteria with a resource to be displayed, and retrieving the resource (see e.g. Tran FIG. 5) does not include, for example, emulating a first category of wireless devices, at least because nothing is emulated. Therefore claims 1, 19, 25, and 29 are believed to be allowable over Nowitz in view of Tran.

Dependent Claims 2-18, 20-24, 26-28, 30-32

Each of these dependent claims is properly dependent upon one of independent claims 1, 19, 25 and 29 and each is therefore allowable therewith. These dependent claims add one or more further limitations, which are not presently relied upon to establish patentability. For that reason, and not because Applicant agrees with the Examiner, no rebuttal is offered to the Examiner's reasons for rejecting these dependent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7828.

The Petition for Extension of Time fee in the amount of \$490 is being paid concurrently on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing 08575-0103001.

Respectfully submitted,

Date: January 4, 2011

/Jeffrey D. Weber/
Jeffrey D. Weber
Reg. No. 64,828

Customer Number 26161
Fish & Richardson P.C.
Telephone: (617) 542-5070
Facsimile: (877) 769-7945